

LaDOTD Acquirer



Year End 2001

"What acquiring minds want to know"

Volume 8, No. 3 - 6

Gearing up for big TIME contract, reorganization are main focus

Director's Report

By: Jim Dousay

As I mentioned in previous issues of the *Acquirer*, we had been looking at the possibility of contracting with a firm to develop an internet connection with our systems so consultants could input data, etc., at their own offices. There would also be built in safeguards to protect the integrity of the data. Well, this consultant has been hired and is working on the project now. It is hoped that this will be completed by early 2002.



Another important topic, of course, is the proposed reorganization. Since my e-mail of October 30th, the Department's Executive Committee has approved the proposal as it came out of the Standing Committee on Human Resources (SCHR). Job specifications are being adjusted according to the changes approved by SCHR. As noted in my e-mail, some Agents and Appraisers may have the same Civil Service job titles. There appears to be some misunderstanding about this. Despite having Civil Service titles that are the same, job duties will remain basically the same and the lines of authority will remain the same as they are now.

In October Lloyd Scallan, Jack Shaffer, and I traveled to Little Rock, Arkansas, to attend the Mid South States/FHWA Right of Way and Utilities Workshop. We were joined by consultants Tom Dawson, Jerome Lohman and Ken Doay. The round table discussions covered many topics, including training, amendments to 23 CFR, consultant contract procedures, administrative

settlements, appraisal disclosure, and many others.

As you are probably aware, the Department is advertising for an overall Consultant Program Manager to oversee TIME projects from design to construction. The contract will be worth some \$2.5 billion. On September 11th, I made a presentation to prospective bidders about the right of way process, information we will need to provide the contractor so they can proceed with the right of way function, and our level of involvement on each right of way project. The successful contractor will have a project manager who will be in charge of the right of way functions. On November 28th & 29th, three firms will make oral presentations to the Department. I will be attending that meeting. If all goes well, the notification of the selection of the consultant will take place on December 7th. The notification to proceed would then be issued on February 11, 2002.

Back in April, Dr. Kam, Bob Boagni, Blaise Carriere, myself and other DOTD officials traveled to South Carolina to see how they handle large "turnkey" projects. We were there studying how South Carolina monitors the consultants and how they manage the program under this scenario. We had two full days of presentations from various officials of SCDOT. They did an excellent job of presenting the needed

information and they offered Louisiana any assistance we might need in this. South Carolina has committed more in terms of resources - \$2.5 billion - to these turnkey projects than any other state in the nation, so far.

I also had the opportunity, in May, to travel to Portland, Oregon, for the AASHTO Right of Way and Utility Conference. The theme of this year's conference was *Doing More With Less*, which has been a constant topic at these meetings for

Sept. 11, 2001
Remember!

*"This conflict was begun on the
timing and terms of others.
It will end in a way and at an
hour of our choosing."
President George W. Bush*

quite a while. While there, I moderated a session on utility relocation. Pam Leon made a presentation on electronic appraisals. Louisiana is only one of three states that is really using this concept at the present time. One thing was apparent from the conference, and that was that, as states have to cut back their staffs, consultants are having more and more influence in the right of way process. We recognize this, and are working to make any changes as smooth as possible.

As you can see, there has been a lot going on in the Real Estate Section over the past several months. Of course, there has been a lot going on in the world since my last article. One of the best ways to stand up for America is to continue to do our jobs and live our lives as normally as possible. As the holidays approach, I hope you and your family enjoy fellowship together for Thanksgiving and the Spirit of Christmas. ♦

Design/Build concept comes to Louisiana

from fhwa.gov

The design/build concept has been becoming more popular with state transportation agencies all over the country, mainly due to decreased staffs and increasing workloads. DOTD is currently taking bids to apply this concept to the TIME projects. The following is the first part of information from FHWA concerning this concept to help those of us in Louisiana better understand it

The design/build approach is an innovative construction technique which allows a single procurement for the design and construction of projects. It is one of four innovative contracting practices which are being explored and evaluated in the FHWA Special Experimental Project No. 14 (SEP 14). The design/build approach has been used successfully by many States, typically on bridge projects. Twenty-six states, several municipalities and local public agencies have utilized design/build to advance projects.

The design/build concept allows the contractor maximum flexibility for innovation in the selection of design, materials and construction methods. Under the design/build concept, the contracting agency identifies the end result parameters and establishes the design criteria minimums. The prospective bidders then develop proposals which optimize their construction capabilities. Design/build opens up a new degree of flexibility for innovation. Allowing the project design to be tailored to a contractor's advantage provides flexibility to compensate for cost increases in one area through efficiencies in another. This concept allows the contractor to optimize his work force, equipment and scheduling.

However, along with the increased flexibility, the contractor must also assume greater responsibility and risk. Because both design and construction are performed under the same contract, claims for design errors or delays are not allowed and the potential for other types of claims are greatly reduced. In addition, when right-of-way (R/W) activities are involved, special attention should be given to the anticipated construction schedule. The prime contractor should be cognizant of the risks associated with lengthy relocations and court cases. From a state highway agencies' perspective, the potential time savings is a significant benefit and sometimes outweighs the risks.

Recently, design/build projects have been authorized to include (R/W) acquisition in addition to design and construction, creating a "turnkey" project for the State. Prior to this authorization, necessary R/W for design/build projects was typically provided by the State or local transportation agency. To include R/W acquisition services as part of the design/build approach, it must be allowed by State procedures for procurement of such services.

Design/build projects including R/W acquisition are expected to increase nationwide. With the increase in funding provided by TEA-21, many States are turning to design/build contracting to advance projects. Section 1307 of TEA-21 expands and clarifies the circumstances under which design/build projects may be advanced (amended 23 USC Section 112 by adding design/build contracting for any ITS project over \$5 million and any other project over \$50 million). It also dictates that regulations will be developed in consultation with AASHTO. In the interim, States interested in advancing projects utilizing design/build contracting will continue to be approved under the SEP 14 program.

With generous cooperation from the states of South Carolina and Virginia, and the Transportation Corridor Agency, Orange County, California, the Office of Real Estate Services reviewed several design/build projects. We interviewed officials from the State and FHWA Division offices, along with key individuals from the prime contractor's team, to determine "best practices" and the extent of any problems associated with these projects. The following information is provided for your use in advancing design/build projects.

Unique Characteristics of Design/Build Projects

- R/W acquisition is accomplished by a consultant hired by the prime contractor. This fact has caused some problems for States in adequately monitoring the acquisition process since the consultant reports directly to the prime contractor.
- Control of the project, including scheduling, construction staging and acquisition segments are dictated by the contractor unless specified otherwise in the contract.
- Risk must be allocated to the proper entities who have been empowered with the trust and responsibility to advance the job. Advancing construction and acquiring property prior to final

design is a risk generally acceptable to the contractor.

- In effect, design/build contracts authorize construction at the time of the award. This allows construction to commence as soon as a "buildable segment of R/W" is acquired. Such a segment could be a single parcel of acquired R/W or a grouping of such parcels that form an area that is viable for construction activities to begin. Because of the construction authorization, the "turnkey" projects we reviewed did not require traditional R/W certifications, which were waived. In lieu of these certifications, the R/W consultant was required to provide a written update of parcel availability to the prime contractor on a weekly basis or more often if a given parcel was critical to advancing construction activities.
- Since construction is authorized at award, the prime contractor must understand the impact R/W has on the schedule, not just the budget. On the projects reviewed, it was the first time that the prime contractor had been involved in highway R/W acquisition activities.
- Design/build contracts that include R/W activities in air quality non-conformity areas are treated differently than standard projects. If the design/build contract was executed prior to the conformity lapse, then R/W activities could continue. If the R/W authorization is separate from the design/build contract or is not approved prior to a conformity lapse, then we could not authorize the R/W acquisition or allow it to continue except under specific circumstances.
- The decision to advance a R/W segment to the construction stage shall not impair the safety of or in anyway be coercive in the context of 49 CFR 24.102(h) with respect to unacquired or occupied properties on the same or adjacent segments of project R/W. The design/build contract documentation would include this requirement and specify a mechanism to implement it.
- Incentives to complete the project ahead of schedule are typical on design/build projects. Cost savings incentives, cash bonuses, interest savings on bond projects, and the reputation for delivering projects on time and under budget all have an affect on the acquisition/relocation phase of these projects.
- Cost and time savings are anticipated on design/build projects based on streamlined or improved internal coordination of the project development process including the R/W acquisition function. ♦



Congratulations to ...

Denise Elder, and her husband, Martin, on the birth of their son, Graham Mitchell Elder, on October 24th. Graham weighed 7 lbs. 10 ozs.



Jebby Thibodeaux, who married Brandi Binkley on August 18, 2001, in Tennessee.

George Wallace, who was awarded the SR/WA designation by the International Right of Way Association (IR/WA).

Welcome to ...

Les Rosso

Real Estate Property Appraiser 1
Gang 010

Monique Carrier
Secretary 2
Gang 009

Ashley Richard
Secretary 2
Gang 009

Mark Gillespie
Real Estate Property Appraiser 1
Gang 010

Dorothy Brandon Ross
Typist Clerk 2
Gang 016

Mychelle Ambeau Smith
Secretary 2
Gang 102

Mary Gail Bullard-Page
Secretary 2
Gang 104

Kiawasha (Kia) White
Secretary 2
Gang 016

Welcome back!

Jennifer Lee
Administrative Secretary
Gang 001

Employee heads ASA chapter

Donna Stinson, ASA, Review Appraiser, is in the middle of her term as President of the Baton Rouge Chapter of the American Society of Appraisers (ASA). The ASA is an international association of appraisal professionals and others interested in the appraisal profession. The oldest major appraisal organization, the Society was begun in 1936 and incorporated in 1952. It is also the only major appraisal organization that deals with all the disciplines of appraisal specialists. Besides Real Property, the other disciplines covered are Appraisal Review and Management, Business Valuations, Gems and Jewelry, Machinery and Technical Specialties, and Personal Property.



Along with other organizations in the Appraisal Institute, ASA tracks Federal and state legislation concerning the profession. Currently, there is pending legislation that would tighten requirements to receive certifications from states. This is to help appraisers be taken more seriously by those outside the profession. Among other programs, the Society also keeps up with appraisers' qualifications, to make sure they meet qualifications for designation, such as *Accredited Senior Appraiser* (ASA).

Serving this year with Donna are Appraisal Manager David Pourciau, ASA, who is Secretary, and Review Appraiser Sharon Yates, who is Treasurer. Former DOTD employee Jim Lipscomb, ASA, is Second Vice President. ♦

Consultant Workshop

Another *Acquisition of Right of Way and Relocation Assistance* workshop was held in June at the District 61 Conference Room in Baton Rouge.



(L) Richard McElveen addresses the June workshop



(R) Jerry Braswell discusses relocation assistance

The most dangerous intersections in Louisiana

From www.statefarm.com

Monroe, La., June 27, 2001 -- Metairie intersections rank first and second on a new list of the 10 most dangerous intersections in Louisiana compiled by State Farm Insurance, the largest auto insurer in the state and in the nation. No. 1 on the list is the junction of Clearview Parkway and Veterans Memorial Boulevard. That intersection ranks ninth on a separate State Farm list of the most dangerous intersections in the United States. Second on the Louisiana list is Clearview Parkway and Airline Highway in Metairie. Seven of the 10 intersections on the list are in the New Orleans metropolitan area.

State Farm put together the new list based on crashes resulting in claims by its policyholders in 1999 and 2000. Like the initial list, based on 1998 data, this one takes into account the number of crashes at various intersections and the percentage of vehicles insured by State Farm in areas where the intersections are located. The new list also takes into account how many crashes involved injury and the severity of those crashes.

State Farm, a longtime advocate of auto and highway safety, conducts these analyses to focus attention on a new way of evaluating intersection design by analyzing driver behavior and placing greater emphasis on safety-driven solutions to intersection problems. This year the company will make \$5 million available to communities to study and, in some cases, make physical changes to enhance safety at specific intersections.

The intersection of Lapalco Boulevard and Manhattan Boulevard in Harvey ranks as the third-most dangerous in Louisiana. Rounding out the first five are Lapalco Boulevard and Wall Boulevard in Gretna, fourth, and Highland Road and Lee Drive in Baton Rouge, fifth. Esplanade Avenue and Williams Boulevard in Kenner is sixth on the new list, followed by Bluebonnet Boulevard and Perkins Road in Baton Rouge, seventh. The Shreveport junction of Bert Kouns Industrial Loop and Mansfield Road is eighth. Lapalco Boulevard and Barataria Boulevard, and Lapalco Boulevard and Ames Boulevard, both in Marrero, are ninth and 10th, respectively. ♦



The "most dangerous intersection" in Louisiana - Clearview at Veterans in Metairie

Thanksgiving is upon us!

A history of the Macy's Thanksgiving parade

from www.nycitourist.com

For over 70 Years, Macy's has given us a tradition which both celebrates America and calls forth Christmas. Let's take a look back!

How did this most famous of American parades get started? It actually stems from European tradition. In the 1920's many of Macy's department store employees were first-generation immigrants. Proud of their new American heritage, they wanted to celebrate the American holiday with the type of festival they loved in Europe.



The employees marched from 145 Street down to 34th Street dressed as clowns, cowboys, knights and sheiks. There were floats, professional bands and 25 live animals borrowed from the Central Park Zoo. With an audience of over a quarter of a million people, the parade was a hit!

Large balloons first appeared in 1927 with Felix the Cat. One tradition long gone is the releasing of the balloons. They would float for days and the lucky finder could claim a prize! Ah, the good old days!

The 1940's saw an end to the Parade since there wasn't much to celebrate during World War II. Also, the rubber and helium could not be wasted. The Parade resumed in 1945, and was televised in New York. The Parade also began the route it still runs today.



Rocky and Bullwinkle are frequent participants in the Macy's parade

With nationwide television, the Macy's Thanksgiving Day Parade assumed it's hold on the entire nation in the 1950's. It also became a time for celebrities.

Sid Caesar, Danny Kaye, and even Howdy Doody made appearances.

The Parade has always been known for its policy of going on rain or shine and the valiant efforts of the balloon wranglers should always be recognized.

The most bittersweet year of the Parade had to be 1963. Less than a week after President Kennedy's assassination, the country was still in mourning. But, it went on so as not to "disappoint the millions of children."

In 1971, the winds were so bad, the balloons had to be cancelled. Television viewers had to settle for clips from the 1970 Parade. Through the 1960's, 70's and 80's, some of the favorite balloons appeared including Snoopy, Kermit the Frog, and Superman.

The Macy's Thanksgiving Day Parade is a true New York experience that is magical for both children and adults. We want to thank Macy's and wish them many more years of marching down Broadway! ♦

DOTD receives bonus funding

from a DOTD press release

BATON ROUGE – Again this past fiscal year (2000-01), the Department of Transportation and Development (DOTD) competed for and this time won more than \$5.7 million in bonus funds from the Federal Highway Administration (FHWA) through the redistribution of bonus monies, according to Dr. Kam Movassaghi, DOTD Secretary.

It marks the tenth consecutive year the DOTD has received the additional funding because of its ability to obligate all of its annual appropriation and to have additional projects ready to let to contract.



By the end of each year, some states have used all of their federal funding while other states have not. The Federal Highway Administration (FHWA) redistributes funds from states who

failed to use their money to states who have exhausted their own funds and have additional projects waiting for bid.

The DOTD let to contract a record \$623 million in construction projects during fiscal year 2000-01. This number exceeds the previous record spending of \$618 million in the fiscal year ending June 30, 2000. Yet, the department still had even more projects ready to be let to contract, qualifying it for the bonus funding once again.

Louisiana ranked 14th in the nation for the amount of redistribution money awarded, giving it the same placement as the previous year. Since 1992, a cumulative total of \$128.3 million in additional funds have been awarded to Louisiana.

"DOTD traditionally ranks within the top states in the nation gaining bonus funding," William Sussmann, FHWA Division Administrator, said. "They are very aggressive and do a super job."

"It's a team effort," Movassaghi said. "The dedicated professionals at DOTD, along with all of its many partners, have worked hard to become more efficient and effective while increasing productivity and quality to keep Louisiana moving."

While the total amount requested by all states equaled \$7.2 billion, only \$254 million of additional obligation authority was available for redistribution. ♦

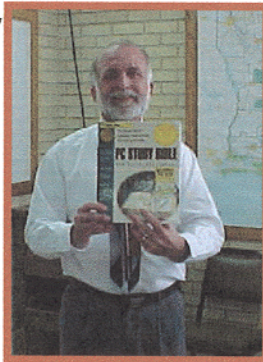
Steve Bush retires

Real Estate Agent Steve Bush retired October 31 with 20 years of service. He has decided to seek his calling in the United Methodist Ministry. Steve will be missed as a servant and as a friend to the Department with 20 years of knowledge and experience. The *Acquirer* wishes him well and wishes him best of luck with his retirement and new career.



Jim Dousay presents Steve with his service certificate while Steve's wife Sharon looks on

Steve shows off his gift – PC Study Bible – which should be a great help in seminary



the Engineer of Hammond and his talk covered local projects that dealt with right of ways.

Our November meeting will be held at Cippriani's Restaurant off of College Drive in Baton Rouge on November 16. Our speaker will be Ed Michel, DOTD Legal Counsel. You are invited to attend. We will have a business meeting from 10am to 11am and Ed will talk until noon. If you are interested in attending the meeting contact David at (247) for information.

The December meeting will be our installation banquet in Baton Rouge to swear in the new officers. The 2002 Chapter President will be Mike Defelice, who is a former DOTD employee. ♦

Chapter 75

By: Rebecca Toney

Chapter 75 of the IRWA was represented at the Texas A&M Refresher Course in August by former DOTD employee, Wayne Goss and me. As usual, we learned a lot, networked a lot and ate a lot. In September, we returned to our monthly meeting with Engineer Tim Smith of Michael Baker Jr., Inc. who explained the studies required for determining the route for the extension of "I-49" from Shreveport to the Arkansas line. Baker, Inc. is also working on the corridor study for I-69 through Louisiana. The speaker for October was Dr. John Hoffman, Vice-Chancellor of the Bossier Parish Community College who described its expansion plans. In November the speaker will be Bob Griffin, Director of Sports for Channel 12 TV. His topics will be travel and sports. A banquet will be held in January to install the recently elected officers for 2002. ♦

Christmas is comin'!

Why are the stockings hung by the chimney with care?

*"The stockings were hung by the chimney with care
In hopes that Saint Nicholas soon would be there"*

There was a kindly nobleman whose wife had died of an illness leaving the nobleman and his three daughters in despair. After losing all his money in useless and bad inventions the family had to move into a peasant's cottage, where the daughters did their own cooking, sewing and cleaning.

When it came time for the daughters to marry, the father became even more depressed as his daughters could not marry without dowries, money and property given to the new husband's family.

One night after the daughters had washed out their clothing they hung their stockings over the fireplace to dry. That night Saint Nicholas, knowing the despair of the father, stopped by the nobleman's house. Looking in the window Saint Nicholas saw that the family had gone to bed. He also noticed the daughters stockings. Inspiration struck Saint Nicholas and he took



IRWA Corner

Chapter 43

By: David Pourciau, SR/WA

Chapter 43 of the International Right of Way Association is proud to report the presentation of the Association's designation SR/WA to two of our consultants, Marcelle Englade and Tommy Wallace, and one of our own, George Wallace. These new designates are to be congratulated for their efforts. To earn this honor they spent a lot of time attending courses to become a well-versed right of way professional.

The Chapter has recently conducted meetings in Pineville in September and Hammond in October. The September meeting was graciously hosted by CLECO. They provided a speaker that told of the company's reclamation project northeast of Alexandria. The October meeting's speaker was

three small bags of gold from his pouch and threw them one by one down the chimney and they landed in the stockings.

The next morning when the daughters awoke they found their stockings contained enough gold for them to get married. The nobleman was able to see his three daughters marry and he lived a long and happy life.



Children all over the world continue the tradition of hanging Christmas stockings. In some countries children have similar customs, in France

the children place their shoes by the fireplace, a tradition dating back to when children wore wooden peasant shoes.

In Holland the children fill their shoes with hay and a carrot for the horse of Sintirklass. In Hungary children shine their shoes before putting them near the door or a window sill. Italian children leave their shoes out the night before Epiphany, January 5, for La Befana the good witch. And in Puerto Rico children put greens and flowers in small boxes and place them under their beds for the camels of the Three Kings. ♦

"You missed America"

The following is from a letter in Smiley Anders column in the Baton Rouge *Advocate*, published September 17, 2001

"Well, you hit the World Trade Center, but you missed America. You hit the Pentagon, but you missed America



"You used helpless American bodies, to take out other American bodies, but like a poor marksman, you STILL missed America!

"Why? Because of something you guys will never understand.

"America isn't about a building or two, not about financial centers, not about military centers. America isn't about a place, America isn't even about a bunch of bodies.

"America is about an IDEA.

"An idea that you can go someplace where you can earn as much as you can figure out how to, live for the most part like you envisioned living, and pursue happiness. (No guarantees that you'll reach it, but you can sure try!)

"Yeah, we're fat, sloppy, easy-going goofs most of the time.

"That's an unfortunate image to project to the world, but it comes from feeling free and easy about the world you live in.

"It's unfortunate, too, because people start to forget that when you attack, Americans tend to fight like a cornered badger. ..." ♦

"Keep the customer satisfied..."

By: Richard McElveen

We have 330 Opinion Surveys which have been recorded in our database, of these 174 of the people responding included some comments. I have gone over these reports and have rated these comments as Positive, Negative or Neutral, as follows:

Positive	90
Negative	59
Neutral	25
Total comments	174

Please note that these negative comments cover all aspects of R/W acquisition, appraisals, policy, personalities, maps, etc. and just because they had a negative comment did not mean that they were totally unsatisfied with their experience with the Department. Remember also that 156 of the respondents made no comment at all and these were all satisfied customers.

Using these statistics we had 271 of 330 surveys, or 82% with no negative comments what so ever. We had 90 of 330 or 27% with positive comments. We had 59 of 330, or 18% with some negative comments.

I also ran a report on the question "Overall I am satisfied with the resolution of the acquisition" and the results were as follows:

Disagree	6%
Somewhat Agree	14%
Agree	80%

You will note that the percentage of respondents who disagree is less than our percentage of expropriations. ♦

Sports...



Appraisal Manager Mike McEacharn shows off the plaque he won for winning the Championship Flight in the DOTD Golf Tournament held last May. Several other Real Estate golfers did well in the tourney, too.

"National honor is national property of the highest value." – Pres. James Monroe

"Victory has a thousand fathers, but defeat is an orphan." – Pres. John F. Kennedy

"What the world really needs is more love and less paperwork." – Pearl Bailey

"It is better to look ahead and prepare than to look back and regret." – Jackie Joyner-Kersey

"Defeat doesn't finish a man – quit does. A man is not finished when he's defeated. He's finished when he quits." – Pres. Richard M. Nixon

"If you want to leave footprints in the sands of time—wear work boots!" – Unknown

"Learning is discovering that something is possible." – J. Krishnamund

"The only thing we have to fear, is fear itself." – Pres. Franklin D. Roosevelt

"We must adjust to changing times and still hold to unchanging principles." – Pres. Jimmy Carter

"Make big decisions in the calm." – Pres. Dwight D. Eisenhower

"The biggest human temptation is to settle for too little." – Thomas Merton

"We will not waver. We will not tire. We will not falter. We will not fail" – Pres. George W. Bush



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